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OFFICE OF PETITIONS

In re Application of :  
Shibato, et al. :  
Application No. 10/784,792 : ON PETITION  
Filed: June 9, 2004 :  
Attorney Docket No. Q79832 :

This is a decision on the papers styled, "Petition Under 37 CFR 1.17(h)," filed June 9, 2004, which has been treated as a petition requesting that the above-identified application be accorded a filing date of June 9, 2004.

The petition is granted.

The above-identified application was submitted on February 24, 2004. However, on May 18, 2004, a "Notice Of Omitted Item(s) In A Nonprovisional Application" (Notice) stating that the application had been accorded a filing date, and that Page 12 of the specification appears to have been omitted.

The Notice states (in pertinent part):

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item(s), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.

In response, on June 9, 2004, page 12 of the specification, a declaration and the present petition were filed. Petitioner states: "Since page no. 12 of the specification was included in the parent application no. 10/111,132, Applicants submit a copy

of the original Declaration and Power of Attorney along with the Petition Fee for \$130.00 and *accept the later filing date*. The original Declaration and Power of Attorney applies to page 12 of the specification." (Emphasis supplied).

As stated in the Notice, and in view of the above, the application will be processed with a filing date of June 9, 2004, and will incorporate page 12 of the specification and the declaration, filed June 9, 2004.

This application is being forwarded to the Office of Initial Patent Examination for processing with a filing date of June 9, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)306-9200.



Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office